

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

ROBERT SMITH,
Plaintiff,

V.

**CENTRAL MUTUAL INSURANCE
COMPANY, et al.**

Defendants.

CIVIL ACTION NO.: 4:24-cv-00723-O

DEFENDANT CENTRAL MUTUAL INSURANCE COMPANY'S
APPENDIX IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT

Defendant Central Mutual Insurance Company (“Central Mutual”) hereby submits its Appendix in Support of its Motion for Summary Judgment as follows:

EXHIBIT	APPENDIX PAGE NO.	DESCRIPTION
A	000001–000007	E-mail correspondence between Plaintiff, Central Mutual, and Plaintiff's insurance agent dated April 5, 2022 (“E-mail re: April 2021 Hail”)
B	000008–000012	E-mail correspondence between Plaintiff and Central Mutual dated June 13, 2023 (“E-mail re: June 2023 Hail”)
C	000013–000049	Highlighted copy of Roof Inspection Report prepared by Defendant's retained testifying expert, Jordan D. Beckner of Roof Technical Services, Inc. (with attachments and photographs omitted) (“Beckner Report”)
D	000050–000063	Central Mutual Insurance Company Photo Sheet dated October 19, 2021 (“Central Mutual Photo Sheet”)
E	000064–000066	Excerpts of Central Mutual Insurance Company's Claim Log for Plaintiff's Insurance Claim (“Claim Log Excerpts”)

F	000067–000077	E-mail from Plaintiff to Central Mutual Insurance Company with attached estimate and documentation from Veranda Designer Homes (“Veranda Estimate”)
G	000078	Letter dated January 14, 2022, from Central Mutual to Plaintiff, issuing payment (“Def.’s First Payment Ltr.”)
H	000079–000085	E-mail exchange between Plaintiff and Central Mutual Reporting Hail Damage, dated January 28, 2022 (“E-mail First Claiming Hail”)
I	000086–000095	IFC Roofing Estimate, dated March 2, 2022
J	000096–000097	Benchmark Hail History Report dated February 21, 2022 (“Benchmark Hail First Rep.”)
K	000098–000099	Benchmark Hail History Report dated June 2, 2022 (“Benchmark Hail Second Rep.”)
L	000100–000114	Highlighted copy of Donan Engineering Report authored by David Brosig, P.E. (“Brosig Rep.”)
M	000115	The Roof Tile and Slate Company Invoice #36299 for purchase of roofing materials (“RTSC Invoice”)
N	000116–000118	Text Message Exchange between Plaintiff and Copper Nail Roofing Representative (“Copper Nail Text Messages”)
O	000119–000125	Estimate prepared by independent adjusting firm, Team One Adjusting Services, LLC (“IA Est.”)
P	000126–000127	E-mail correspondence from Central Mutual to Plaintiff dated June 20, 2022, regarding Central Mutual’s supplemental payment of Plaintiff’s insurance claim (“Def.’s Second Payment”)
Q	000128–000134	Second and Final Estimate prepared by Gary Pennington with Blackstone Claim Services, Inc. (“Blackstone Est.”).

R	000135–000138	Final Report prepared by Kelby Boehl with Envista Forensic Report (“Boehl Rep.”)
S	000139–000159	Estimate prepared by Kelby Boehl with Envista Forensic (“Envista Est.”)
T	000157–000158	E-mail correspondence between Central Mutual and Plaintiff’s Public Adjuster regarding Central Mutual’s second supplemental payment (“Def.’s Third Payment”)
U	000159–000163	“Preliminary Report” of Plaintiff’s Retained Testifying Gary Treider (with attachments omitted) (“Treider Rep.”)
V	000164–000167	Central Mutual’s Partial Denial Letter, dated January 7, 2024 (“Partial Denial Ptr.”)
W	000168–000182	Plaintiff’s Pre-Suit Demand, dated April 23, 2024, with attached estimate prepared by Plaintiff’s non-retained testifying expert, Erik Larsen (“Pre-Suit Demand”)
X	000183–000225	Expert report prepared by Defendant’s retained testifying expert, Bryan Hash with R.B. Hash & Associates, Inc., dated September 28, 2024 (“Hash Rep.”)
Y	000226–000233	Plaintiff’s Expert Disclosures pursuant to Fed. R. Civ. P. 26(a)(2).
Z	000234–000240	Highlighted Excerpts of deposition of Wyatt Barstow (“Barstow Dep.”)
AA	000241–000262	Highlighted Excerpts of deposition of Plaintiff, Robert Smith (“R. Smith Dep.”)

Respectfully submitted,

BY: /s/ Clinton J. Wolbert
Clinton J. Wolbert

State Bar No. 24103020
PHELPS DUNBAR LLP
910 Louisiana Street; Suite 4300
Houston, Texas 77002
Telephone: 713 626 1386
Facsimile: 713 626 1388
clinton.wolbert@phelps.com

William R. de los Santos
State Bar No. 24125762
PHELPS DUNBAR LLP
2102 E. State Hwy. 114, Suite 207
Southlake, Texas 76092
Telephone: 817 488 3134
Facsimile: 817 488 3214
william.delossantos@phelps.com

**ATTORNEYS FOR DEFENDANT
CENTRAL MUTUAL INSURANCE
COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document has been served this 6th day of January 2025 to the following in accordance with the Federal Rules of Civil Procedure:

Clifford K. Nkeyasen
CLIFFORD K. NKEYASEN PLLC
4310 N. Central Expy, Suite 103
Dallas, Texas 75206
[T]: 469-249-9271
Attorneys for Plaintiff

Vía Email: clifford@coveredenied.com

/s/ Clinton J. Wolbert
Clinton J. Wolbert